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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,871	12/08/1998	JEFF L. HYMER	95-956CIP	7390

7590

04/07/2003

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EXAMINER

CRANSON JR, JAMES W

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/207,871

Applicant(s)

HYMER, JEFF L.

Examiner

James W Cranson

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Withdrawal Of Final

In view of remarks made in Applicant's Appeal Brief, the final rejection is withdrawn. Accordingly claims 9 and 10 have been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3,005,089 to Robbins in view of USPN 1,300,893 to Stover. Robbins discloses a device for a relatively tall commercial vehicle (figure 1 shows a relatively tall commercial vehicle) for signaling to a plurality of other vehicles of much lesser height comprising at least two bodies (figure 2 is body 1, figure 6 is body 2), each body having a base (16 and 16'), and a cover joined to the base (38), means for attaching each base to the vehicle (holes 24 and 26), the two bodies being mountable adjacent to the top of the vehicle (figure 1 and adjacent to side of vehicle (figure 1) with covers facing rearward (figures 4 and 6). Robbins does not disclose a plurality of translucent lenses in the cover and a plurality of illumination means. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Robbins with the plurality of translucent lenses and plurality of illumination means as taught by Stover so that more information is obtained from the signaling device.

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Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins in view of Stover as applied to claim 3 and in further view of USPN 5,877,682 to Groeller. Groeller teaches an automotive signaling device having a plurality of translucent lenses 9, 10 in a cover 2 and a plurality of illumination means 211, 230 for illuminating each of the lenses selectively (see column 3, line 63 through column 4, line 5). It would have been obvious to one of ordinary skill in the art at the time invention was made to combine the automotive signaling device of Robbins with the automotive signaling device of Groeller since Groeller teaches that light emitting diode arrays are beneficial for reducing power consumption and increasing bulb life.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins in view of Stover and Groeller as applied to claim 4 and in further view of USPN 5,632,551 to Roney et al.

Robbins as modified by the rejection of claim 4 above lacks the limitation including a circuit board upon which the plurality of light emitting diodes is mounted.

Roney et al. teaches an automotive signaling device having a circuit board 20 positioned between a cover 16 and a base 10, further including a plurality of light emitting diodes 12 mounted to the circuit board 20 (see column 2, lines 52-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the automotive signaling device of Robbins, as modified by Groeller, with the circuit board of Roney because Roney teaches that light emitting diodes can be mounted to a circuit board in order to help reduce the junction temperature(see column 1, lines 24-58).

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Claim 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,688,036 to Marshall et al. in view of USPN 2,486, 476 to Kelly. Marshall discloses vehicle signaling lights 28, 30 for signaling change of speed or direction (abstract lines 1-3) from a first relatively tall commercial vehicle (abstract lines 1-3) to a plurality of other vehicles (abstract lines 1-3) following there behind (abstract lines 1-3) comprising a light in upper right rear corner (figure 1), upper left rear corner (figure 1), high elevation (figure 1),

Marshall does not disclose electric circuitry controlling said lights.

Kelly teaches vehicle signaling lights and electric circuitry (see figure 4) communicating from first driver controls to each of the at least one light whereby a first vehicle driver can selectably illuminate each or both of the at least one lights by applying the first vehicle turn signal switches 100, 102. The at least one, light has separately illuminateable brake light 84 and turn signal light 82,86 (see figures 1-4; column 1, lines 1-8, and lines 46-53; column 2, line 45- column 3, line 26). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the circuitry of Kelly in Marshall because it is well known that lighting systems require circuitry in order to be activated.

Claim 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,688,036 to Marshall et al., USPN 2,486, 476 to Kelly as applied to claims 6-8 above and in further view of Roney. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the automotive signaling device of Marshall, as modified by Kelly, with the circuit board of Roney because Roney teaches that light emitting diodes can be mounted to a circuit board in order to help reduce the junction temperature(see column 1, lines 24-58).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W Cranson whose telephone number is 703-305-5514. The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 703-305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



April 2, 2003